

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Albrecht WENDEL et al.  
Serial No.: 08/996,768  
Filed: December 23, 1997  
For: TEST PROCEDURE WITH BIOLOGICAL SYSTEM

COPY

RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
APPLICATION UNDER 37 C.F.R. §1.53

Box Missing Parts  
Assistant Commissioner of Patents  
Washington, D.C. 20231

Attention: APPLICATION BRANCH  
MISSING PARTS OF APPLICATION

Sir:

With respect to the above-identified patent application, the following are filed herewith in response to the Notice To File Missing Parts of Application under 37 C.F.R. §1.53, mailed March 16, 1998, copy attached.

- ☐ Declaration in compliance with 37 C.F.R. §1.63.
- ☒ Declaration in compliance with 37 C.F.R. §1.63, attached to copy of application as originally filed.
- ☒ Small Entity Declaration (two sheets) under 37 C.F.R. §§1.9 and 1.27.
- ☒ Certified copy of German Application No. 196 54 266.9, filed December 23, 1996, the priority of which is claimed under 35 U.S.C. §119.
- ☒ Assignment Document and Cover Sheet, with \$40.00 fee for recordation of Assignment.
- ☒ If a Petition for Extension of time is necessary and the Petition and/or the check is not enclosed, this will act as the Petition and applicant herewith petitions the Commissioner to extend the time for response and charge and fees necessary under 37 CFR 1.17 (a) - (d) to Deposit Account No. 06-1358. The Commissioner is also authorized to charge payment of any other additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1358.

Serial No.: 08/996,768

X Filing Fee, calculated as follows:

	Small Entity	
Basic Filing Fee	\$395.00	395.00
Total Claims 18 - 20 = 0	(x \$11) =	.00
Indep. Claims 2 - 3 = 0	(x \$41) =	.00
<u>X</u> Surcharge: Late Filing	+ \$65	65.00
		<hr/>
	<b>TOTAL FILING FEES</b>	<b>\$460.00</b>

Check No. 37639, in the amount of \$ 500.00, is enclosed to cover the filing fee and late filing surcharge, as well as Assignment recordation fee. The Commissioner is hereby authorized to debit or credit any fees set forth in §1.16 or §1.17 to Deposit Account No. 06-1358 as needed in order to effect proper filing of the application. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

JACOBSON, PRICE, HOLMAN & STERN, PLLC

By \_\_\_\_\_  
William E. Player  
Reg. No. 31,409

400 Seventh Street, N.W.  
Washington, D.C. 20004-2201  
(202) 638-6666

Atty. Docket No.: P61750US0  
Date: May 18, 1998  
WEP:jrc

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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08/996,768 12/23/97 WENDEL

A P61750US0

0242/0316

JACOBSON PRICE HOLMAN & STERN  
JENIFER BUILDING  
400 SEVENTH STREET NW  
WASHINGTON DC 20004

**COPY**

NET ASSIGNED

DATE MAILED:

03/16/98

# NOTICE TO FILE MISSING PARTS OF APPLICATION

*Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☒ non-small entity is \$ 790

☒ 1. The statutory basic filing fee is:

☒ missing.

☐ insufficient.

Applicant must submit \$ 790 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required

\$ \_\_\_\_\_ for independent claims over 3.

\$ \_\_\_\_\_ for dependent claims over 20.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

☒ is missing or unexecuted.

☐ does not cover the newly submitted items.

☐ does not identify the application to which it applies.

☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Albrecht WENDEL, et al.

Serial No.: 08/996,768

Filed: December 23, 1997

Title: TEST PROCEDURE WITH BIOLOGICAL SYSTEM

**ATTENTION: Refund Section,  
Accounting Division,  
Office of Finance**

Group Art Unit: 1643

Examiner: (UNASSIGNED)

**REQUEST FOR REFUND**

Assistant Commissioner of Patents  
Washington, D.C. 20231

RECEIVED

JUN 15 1998

COMMUNICATIONS SECTION

Sir:

In the above-identified application, Deposit Account No. 06-1358 has been improperly debited. By this paper, a credit of \$790 is hereby requested. An explanation of the debiting error is set out below, and a copy of all **pertinent** documents in support of this request is attached hereto.

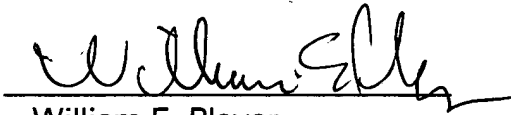
**Attached Documents:** a copy of the Response to Notice to File Missing Parts; a copy of Form PTO-1533; a copy of the executed Power of Attorney and Small Entity declarations; a copy of the stamped postcard (May 18, 1998) acknowledging the U.S. PTO's receipt of same; and a copy of the Monthly Statement of Deposit Account (received from the PTO) showing the \$790 debit to Deposit Account Number 06-1358.

It appears that the PTO erroneously debited the account as a means of payment for the application filing fee. However, the attached documents clearly show that this charge was unwarranted due to payment of the \$395 filing fee filed on May 18, 1998, for a **small entity** application (along with the \$65 surcharge for late filing).

Thus, a refund of \$790, to be credited to applicants' counsel's Deposit Account No. 06-1358, is hereby respectfully requested.

Respectfully submitted,

JACOBSON, PRICE, HOLMAN & STERN, PLLC

By:   
William E. Player  
Reg. No. 31,409

WEP/cob

The Jenifer Building  
400 Seventh Street, NW  
Washington, D.C. 20004-2201  
Telephone: (202) 638-6666  
Atty. Docket: P61750US0  
Date: June 5, 1998

COPY

**MISSING PARTS OF APPLICATION**  
**APPLICATION BRANCH**

Att'y Docket: P61750US0  
Serial No.: 08/996,768  
Applicant: WENDEL et al.  
Filing Date: Dec. 23, 1997

Today's Date: May 18, 1998

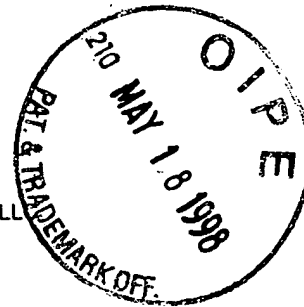
The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- ☒ Response to Notice of File Missing Parts of Application
- ☒ Combined Declaration, Power of Attorney
- ☒ Small Entity Declaration (2 sheets)
- ☒ Assignment and Cover Letter
- ☒ Certified Copy of Priority Document and Claim to Priority

☒ Check for \$ 500.00 Ck. No. 37639

**DUE DATE: May 18, 1998**

JACOBSON, PRICE, HOLMAN & STERN, PLLC  
400 SEVENTH STREET, NW  
WASHINGTON, DC 20004



jrc



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

MONTHLY STATEMENT  
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and  
return top portion with your check. Make check  
payable to Commissioner of Patents & Trademarks.

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

COPY

Account No.	061358
Date	2-27-98
Page	1

JACOBSON PRICE HOLMAN & STERN  
BRUCE LETCHWORTH  
400 SEVENTH STREET, N. W.

FINA

WASHINGTON DC 20004

PLEASE SEND REMITTANCES TO:  
Patent and Trademark Office  
P.O. Box 70541  
Chicago, Ill. 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
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2	4	98	110	08584702	P-57616A	148	110.00	3068.58
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2	12	98	174	G-1700		464	60.00	2244.58
2	13	98	60	09007106	P61770	102	82.00	2162.58
2	13	98	216	1930/F-4255PH		465	30.00	2132.58
2	18	98	13	08463514		116	-280.00	2412.58
2	18	98	59	08348166	10138P58346	216	145.00	2267.58
2	18	98	115	10716/T15296		465	90.00	2177.58
2	19	98	49	08729604		115	110.00	2067.58
2	23	98	60	09018944	P61870US0	101	790.00	1277.58
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2	24	98	354	08945728		704	-130.00	1477.58
2	25	98	55	08707508		704	-246.00	1723.58
2	25	98	98	08768457	P60757US0	116	400.00	1323.58
2	26	98	207	08472489	5855/P58771	126	240.00	1083.58
2	26	98	210	08472489	5855/P58771	131	790.00	293.58
2	27	98	116	SERVICE CHARGE		608	25.00	268.58

AN AMOUNT SUFFICIENT TO

OPENING BALANCE

TOTAL CHARGES

TOTAL CREDITS

CLOSING BALANCE